

FMS Foundation Newsletter

3401 Market Street, Suite 130, Philadelphia, PA 19104-3315, (215-387-1865) Vol. 6 No. 1

Dear Friends,

January 1, 1997

"This meeting could not have happened two years ago," wrote a researcher who was describing his conference presentation of data from a retractor study. "The opposition tried to mount the predictable attacks but couldn't really get off the ground, in part because they didn't know what to do with the data and in part because other therapists recounted experiences with false memories."

Things have changed.

In November, the Victims Compensation Board in Washington state began a review of some of its policies. It was proposed that reimbursement for services will not be authorized for therapies which focus on the recovery of memory. These services include, but are not limited to, therapy for dissociative identity disorder related to repressed memories, mapping of alter personalities to facilitate disclosure of repressed memories, memory excavation, memory retrieval, memory enhancement, hypnosis to aid in memory recovery, age regression therapy, dream enhancement, dream reading image focusing, guided imagery and any therapy which focuses on issues specific to satanic ritual abuse.

Things have changed.

As we compiled the highlights of 1996 for this issue (page 14), we realized that there had been so many excellent new books and articles that we simply did not have the space to include them now.

Things have certainly changed from March of 1992 when a few hundred parents sent copies of Darrell Sifford's articles around the country.

January 14, 1997 marks the 300th anniversary of the Massachusetts Day of Repentances when an apology was made to those harmed by the hysteria in Salem. Who is in charge now? Who will apologize to those harmed in recent years?

Some things have not changed.

While public understanding of the memory issues has increased, still, within the therapy community, there seems an effort to keep one step ahead of growlingly profound critical thought...and still avoid accepting accountability.

The Foundation has stated from the start that some memories are true, some a mixture of fact and fantasy and some are false, whether they are continuous memories or recovered. Our critics, however, currently seem bent on proving that

some recovered memories can be corroborated. This effort is long overdue and it demonstrates that in many cases external corroboration can be obtained. Most of these are examples of a single traumatic incident not of the bizarre claims of FMSF families.

At the Memory and Reality conference in March, many of the bizarre aspects of the FMS phenomenon culled from the FMSF Legal Survey will be inspected. That information is revealing. For example, limiting our sample to 520 cases in the U.S. that were verified through court records as accuser-initiated repressed memory, 84% were civil cases and 16% were criminal. Most legal cases seem to have been filed in 1992, 1993, and 1994. The longest period that an accuser claims that she was abused and repressed it was from birth to 36 years.. Abused — repressed it — lived normal live — abused again — no knowledge of past abuse — repressed it — lived normal live — for thousands of events over a 36-year period. An extraordinary claim. Extraordinary claims require extraordinary proof.

Without that proof, other explanations make sense. For example of 115 trial level cases in which the accuser claimed to have recovered a memory of abuse occurring below the age of five, 103 were in therapy at the time.

From the FMSF Family Survey of over 500 returns, we learned that 68% of the reports included claims of "recovered" memories of abuse allegedly taking place from birth through four years of age. This is an extraordinary claim about memory and requires extraordinary proof. Results of the Family Survey indicated that the average length of time the abuse was alleged to have continued was more than 9 years. The average length of time that the accusers claimed total amnesia for the memories was 28 years with a range from 4 years to 53.

Bizarre claims. Extraordinary claims. No external corroboration. Yet families are still torn apart. Accused people are still shunned. Families are looking for closure after more than five years in a hostage-like situation. For some, even negative closure seems better than going on like this. Letters from retractors, however, urge families to keep offering love.

Next month, we will include some of the first information about the adverse health effects that the double whammy of an accusation coupled with losing a child has had on some people. Yet, through it all, the resilience of the FMS families has been remarkable. That strength through a long period of continued stress is a tribute to the power of love parents have for their children.

We wish all our readers a Happy New Year. May 1997 bring us all more open doors and more open hearts.

Pamela

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WHAT'S NEW IN THE MEMORY WARS ?

Friday, March 21, 1997.

Continuing Education Program

MEMORY AND REALITY: NEXT STEPS

Saturday & Sunday March 22 & 23, 1997

Family Conference

Program information on page 2

Help us celebrate the 5th Anniversary of FMSF.

What's New in the "Memory Wars"

Friday March 21, 1997

Continuing Education Program co-sponsored by the Department of Psychiatry and Behavioral Sciences at the Johns Hopkins Medical Institutions and FMSF. Turner Building (cor Monument and Rutland Ave.) Baltimore, MD

- Continuing education for Psychologists through FMSF 7.5 hours.
- 8 Credit hours in Category 1 of the Physicians Recognition Award of the AMA.
- 8 Contact hours in Category 1 for Social Workers.
- The participation of the law firm of Carr, Goodson Lee & Maryland allows attorneys to explore the use of this course for continuing legal education credit within their state.

FEES Professionals \$175.

Scientific Program:

Brain Imaging Studies on False Memory and Trauma: A Critical Review

Godfrey D. Pearlson, M.D.

Historical Perspectives on Traumatic Memory

Allan Young, Ph.D.

The British Psychiatric Response to "Recovered" Memories

Richard Green, M.D., J.D., M.R.C. Psych.

Source Memory and Its Role in Pseudo-Memories

Jason Brandt, Ph.D.

The False Memory Syndrome Foundation and the "Memory Wars"

Pamela P. Freyd, Ph.D.

New Findings on Memory Distortion

Elizabeth F. Loftus, Ph.D.

An Update on Dissociative Identity Disorder

Philip M. Coons, M.D.

A Review and Critique of Multiple Personality Disorder

August T. Piper, Jr., M.D.

Complexities of Practice, Their Sources, and Resolution

Paul R. McHugh, M.D.

The Intersection of Law and Science in False Memory Cases

Kevin M. Murphy, J.D.

FOR REGISTRATION INFORMATION

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Memory and Reality: Next Steps

Saturday and Sunday March 22, 23, 1997

Family Focused Conference to be held at the BWI Marriott in Baltimore, MD.

Friday March 21, 1997

7:30-9:00 PM Registration

Saturday March 22, 1997

Program:

8:00 - 9:00 Registration and Coffee

Plenary Session: Making a Difference

Pamela P. Freyd, Ph.D.

What We Still Need to Know

Elizabeth Loftus, Ph.D.

Legal Task Force

Moderator: Andre Brewster, Esq.

The Foundation as a "Friend of the Court"

Thomas Pavlinic, Esq.

Families and the Courts: Report on the Legal Survey

Anita Lipton and Merci Federici

Lunch Break

Family and Retractor Panel:

Dealing with the Legal System

Moderator: Ralph Slovenko, J.D., Ph.D.

Roundtables.

Fifth Anniversary Gathering - A Tribute to Progress

Reception - Cash Bar

Dinner - Voluntary Donation (To Help Defray Costs)

Sunday March 23, 1997

8:00 - 8:30 Coffee

Helping Families is to Help Everyone

Paul R. McHugh, MD

Family Panel: The Wisdom of Families and Retractions

Moderator: Allen Feld, LCSW

Roundtables

Reforming the Mental Health System: Education, Regulation, Litigation and Legislation

Christopher Barden, J.D., Ph.D.

Closing Remarks

Pamela P. Freyd, Ph.D.

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Registration form can be found on the last page of this newsletter.

Two Separate Conferences Back-to-Back

Families are welcome to attend the continuing education program. Professionals are welcome to attend the family program. The emphasis of each of these programs will be somewhat different, however. Members of the Foundation will be receiving brochures about both of these programs. Separate registration is required for each program.

HOTEL INFORMATION

FAMILY CONFERENCE EVENINGS OF MARCH 21 & 22, 1997

CONFERENCE HEADQUARTERS

BWI Airport Marriott
1743 West Nursery Rd.
Baltimore MD 21240
800/228-9290 410/859-8300 Direct Line
410/691-4555 (fax)
File Number: Tell operator you are with FMSF
\$ 85.00 PLUS TAX per night (two double beds or a king size bed)
Cut-off date: February 28, 1997 (On space available after that date)
Free shuttle from BWI and train station (app. 5 min ride)

OTHER HOTELS IN AREA

Susse Chalet
1734 W. Nursery Rd.
Linthicum Heights, MD 21090-2907
800/5CHALET (242438) for RESERVATIONS
Direct line (410)859-2333 (fax) 410/859-2357
File Number: Say with FMSF Program meeting
\$59.70 plus tax (Two double beds or one double bed)
Cut off date: March 1; 40 rooms (across street from Marriott)
Free shuttle from Airport only (App \$ 7.00 taxi from airport) Free continental breakfast

Red Roof Inn
827 Elk Ridge Landing Rd.
Linthicum Heights, MD 21090
800/843-7663 RESERVATIONS
410/850-7600 (Dir) 410/850-7611 (fax)
File Number B 149000141
\$59.99 plus tax (two dbl beds)
Cut off date: March 11, 1997
Free Shuttle from BWI and train station

As the official airline for this conference, USAIR offers registrants discounts for travel between March 18 and March 26. The discount varies and you may find out about this program by calling

Vicki Seltzer at Rosenbluth travel 800/233-3158
9:00-5:30 EST (East coast) Monday-Friday;
215/563-1070 (dir. line); 215 568-0811 (fax).
e mail <vicki@central.cis.upenn.edu>.

Travel by Amtrak can also be arranged at a 10% discount off the lowest fare on all daily trains for travel between March 19 and March 26. Discounts are also available on special Metroliners. Vicki Seltzer at Rosenbluth Travel can also be consulted about this program.

SPECIAL THANKS

We extend a very special "Thank you" to all of the people who help prepare the FMSF Newsletter.

Editorial Support: Toby Feld, Allen Feld, Howard Fishman, Peter Freyd, Paula Tyroler. *Research:* Merci Federici, Michele Gregg, Anita Lipton. *Notices and Production:* Danielle Taylor. *Columnists:* Katie Spanuella and members of the FMSF Scientific Advisory Board. *Letters and information:* Our Readers.

FOCUS

on

SCIENCE

From time to time, various scientific articles appear which discuss issues of childhood sexual abuse, memory, and responses to trauma. Since such studies are often widely cited in the scientific and popular press, it is critical to recognize their methodological limits. It is particularly important to understand what conclusions can and cannot legitimately be drawn from these studies on the basis of the data presented. As a result, we periodically present analyses of recent studies, with input from members of our Scientific Advisory Committee.

* * * *

The Emperor's Tailoring

Harrison Pope, M.D.

Modern technology has greatly expanded our ability to study the structure and functions of the brain. Neuropsychological testing techniques, measurements of neurotransmitters (chemical messengers), and other advances in the understanding of brain chemistry have allowed us to probe ever deeper into the central nervous system. Perhaps the most dazzling technological strides have occurred in neuroimaging: with magnetic resonance imaging (MRI) and positron emission tomography (PET), we can now see images of living brain structures. With the appropriate computer software, we can detect subtle differences in anatomy or blood flow between different brain regions, or between patient populations and normal comparison subjects. Can we apply this technological arsenal to answer the question of whether it is possible to "repress" the memory of traumatic events?

At first, the answer to this question would seem to be yes. The literature has recently been filled with studies using various forms of high technology to study trauma and its consequences (1). For example, neuropsychological testing techniques have been used to quantify memory function in trauma victims as compared to non-traumatized comparison subjects. These studies have generally found that individuals diagnosed with post-traumatic stress disorder (PTSD) have greater difficulty remembering test items than do normal comparison subjects. Biochemical studies, similarly, have shown that numerous chemicals critical to the function of the nervous system, such as neuropeptides and neurotransmitters, may be affected in various ways by stress. Among the chemicals studied in this manner are epinephrine; norepinephrine; corticosteroids; pituitary and hypothalamic hormones that stimulate the release of corticosteroids; opioid peptides; gamma aminobutyric acid; vasopressin; and many others. Not surprisingly, data suggest that these substances are disrupted in various ways during the experience of trauma. They may even remain disrupted long afterwards in trauma survivors with PTSD. Furthermore, other studies have shown that many of these same neuropeptides and neurotransmitters have various effects on memory function, either enhancing or impairing memory under particular conditions.

Even more striking, however, are the latest studies of brain anatomy and metabolism in trauma victims. For example, studies of monkeys exposed to prolonged and

fatal stress have shown damage in an area of the brain called the hippocampus (2). And damage to the hippocampus, in turn, has been shown to be associated with impairments in memory function. MRI studies of the hippocampus in humans diagnosed with PTSD have now also shown abnormalities in comparisons with healthy control subjects. Even more colorful and impressive are the findings of PET scans in trauma victims. For example, PET technology has been used to measure cerebral glucose metabolism (an index of brain activity) in combat veterans as compared to normal controls. Differences between the two groups were found in a number of different cortical areas (3). In another study, 8 patients with post-traumatic stress disorder, two of whom were victims of childhood sexual abuse, were exposed to "traumatic" vs. "neutral" scripts while undergoing positron emission tomography. In the traumatic scripts, audiotapes describing a personal traumatic experience, such as sexual abuse or a car accident, were played to subjects. The neutral scripts were audiotapes describing mundane experiences, such as emptying the dishwasher. Statistical mapping techniques were then applied to the PET scan results to identify which areas of the brain's cortex displayed significant activation under these conditions (4). The 8 subjects with PTSD were specifically selected for the study because they had already been shown to demonstrate a physiologic response (in other words, measurable physical changes) in response to traumatic scripts. Therefore, it is probably not surprising that, when stimulated to remember their trauma, the subjects' brains showed changes; there were significant differences in blood flow in various parts of their brains when they were thinking about watching their loved ones die in a car accident as opposed to, say, thinking about brushing their teeth. Upon comparing the color-enhanced computer printouts of the PET scans, even a layman can see obvious differences in the pictures taken in the traumatic condition vs. the neutral condition.

These are all interesting and valuable studies, carefully performed under rigorous scientific conditions. What's more, some have produced stunning findings. One can hardly examine the striking PET scan images without being impressed. Surely, then, this wealth of data provides mounting evidence that trauma does influence memory, and suggests neurological and biochemical mechanisms that might explain how trauma victims could develop amnesia for the event. One might believe, therefore, that we are finally accumulating scientific proof that memories of trauma can be repressed.

But this last conclusion is a fallacy, and it is important to understand why. The logical flaw here is the assumption that one can take a series of scientific findings, link them together, and safely extrapolate to conclusions about some other phenomenon which one has not studied directly. An example will make this clear. Studies have established that there is a highly significant positive correlation, in the animal kingdom, between brain size and intelligence. In other words, the larger the brain, the larger the IQ: worms are not as intelligent as seagulls, and seagulls are not as intelligent as dogs. It has also been established, through years of neuroanatomical studies, that men have bigger brains, on average, than women. But even though these two

findings are both correct, it would be erroneous to infer that men have higher IQs than women. If we are interested in knowing whether men are smarter than women, we should stop drawing dangerous inferences from neuroanatomy, and instead go out and test actual samples of men and women for intelligence. By analogy, if one wishes to test whether trauma victims can repress their memories, one should go out and simply ask a group of victims if they can remember their trauma. If instead we merely infer that repression might occur on the basis of people's cerebral glucose metabolism, or images of their hippocampi, we might prove seriously mistaken.

This fallacy may seem obvious, but it has bedeviled even the most brilliant thinkers. For example, the great Austrian mathematician Godel once performed a series of mathematical calculations based on Einstein's equations from relativity theory (5). Godel's calculations suggested that certain solutions to Einstein's equations produced closed time lines, which would theoretically allow for the existence of time travel. Unfortunately, Godel found that the amount of energy necessary for a human being to travel back in time would be excessively large. He apparently believed, however, that his calculations did offer possible scientific evidence for the existence of ghosts.

Even the best of scientific findings, in other words, can be misused to reach dubious conclusions. And the average observer, blinded by the technological sophistication of such findings, may lose track of the sleight-of-hand inferences that someone is making from them. Such fallacious reasoning has often infiltrated the courtroom, where juries may be presented with impressive scientific results, strung together to seemingly imply that, say, working at video display terminals can cause miscarriages, that the drug Bendectin can cause birth defects, that silicone breast implants can cause arthritic disease, or that low-intensity magnetic fields can cause cancer (6,7). The point, once again, is that if one wants to test these hypotheses, one should not dwell on inferences from laboratory studies; one should simply go out in Nature and test whether or not the hypotheses are true. When this was done with the above hypotheses, they all failed the test of actual epidemiologic study.

One last example, taken directly from modern psychology, is the technique of "eye movement desensitization and reprocessing," usually abbreviated as "EMDR." EMDR is a novel psychotherapeutic technique in which the patient is asked to follow a moving object with his or her eyes while thinking about a traumatic experience (8). On the basis of a series of inferences from various scientific findings, proponents of EMDR claim that it is effective for the treatment of a range of psychiatric disorders. The reasoning goes something like this: it is well established that during one stage of sleep, called rapid-eye-movement sleep, or REM sleep, the eyes move rapidly back and forth. It is also known that REM sleep is associated with dreaming. Dreaming, in turn, is often associated with intense emotions. And trauma victims, indisputably, may have dreams about traumatic events that they have experienced. Therefore, if a patient voluntarily engages in eye movements in the therapist's office, while recalling a traumatic experience, perhaps he or she could more

effectively reexperience and work through the traumatic experience, with consequent progress in therapy.

An interesting chain of inferences, perhaps, and one which is indeed based on legitimate scientific observations. But the fact remains that no one has shown, in a properly designed study, that EMDR actually works. That is, when we put inferences aside and go out to actually test the efficacy of EMDR in nature, the hypothesis is not supported (9).

What is the lesson of all this? It is that a phenomenon is not proven just because inferences from various studies suggest a mechanism for how it might theoretically occur. In other words, no matter how impressive the findings of neurotransmitter assays or how colorful the pictures from PET scans, and no matter how intriguing the brain mechanisms that these studies might suggest, we cannot logically conclude from these studies that people can actually repress memories of traumatic events.

In other words, one should not speculate about the details of the emperor's tailoring until one has first assessed whether he has any clothes.

References

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6. Foster KR, Bernstein DE, Huber PW (eds). *Phantom Risk*. MIT Press, Cambridge, Massachusetts, 1993.
7. Angell M. Shattuck Lecture - Evaluating the health risks of breast implants: the interplay of medical science, the law, and public opinion. *New Engl J Med*. 1996; 334: 1513-1518.
8. Hudson JI, Chase EA, Pope HG Jr. Eye movement desensitization and reprocessing in eating disorders: caution against premature acceptance. *Int J Eating Disorders*. In press.
9. Admittedly, there are some studies which claim to show a benefit for EMDR. These include, for example, Silver SM, Brooks A, Obenchain J. Treatment of Vietnam war veterans with PTSD: A comparison of eye movement desensitization and reprocessing, biofeedback, and relaxation training. *J Traumatic Stress* 1996; 8:337-343; and Montgomery R, Ayllon T. Eye movement desensitization across subjects: Subjective and physiological measures of treatment efficacy. *J Behavior Therapy Exp Psychiatry* 1994; 25; 25:217-230. However, even these studies are subject to such serious methodological flaws that their findings are highly

questionable. For a discussion of these flaws, see the review in footnote 8, above, and also Steketee G, Goldstein A. Reflections on Shapiro's reflections: Testing EMDR within a theoretical context. *The Beh Therapist* 1994; 17:156-157, or any of several other critical reviews cited by Hudson and colleagues in their review.

This column appears as a chapter in the forthcoming book, *Junk Psychology: Fallacies in Studies of 'Repression' and Childhood Trauma*, by Harrison G. Pope, Jr. M.D., © Social Issues Resources Series, 1996. Copies of this book will be available in March 1997 and may be obtained by writing to SIRS at 1100 Holland Drive, Boca Raton, Florida, 33427, or by calling 1-800-232-7477.

Salem Jury's Rule

January 14, 1997 will mark the 300th anniversary of the Massachusetts Day of Repentances. The following statement was signed by the jury in Salem after the craze died down. The jurors believed that they had shed innocent blood, a sin which they believed would not be forgiven. This is known as "The Salem Jury's Rule" and may be instructive even today:

We whose names are underwritten, being in the year 1692 called to serve as jurors in court at Salem, on trial of many who were by some suspected guilty of doing acts of Witchcraft upon the bodies of sundry persons:

We confess that we ourselves were not capable to understand nor able to withstand the mysterious delusions of the Powers of Darkness and Prince of the Air, but were for want of knowledge in ourselves and better information from others, prevailed with to take up with such evidence against the accused as on further consideration and better information we justly fear was insufficient for touching the lives of any (Deuteronomy, 17:6), whereby we fear we have been instrumental with others, though ignorantly and unwittingly, to bring upon ourselves and this People of the Lord the guilt of innocent blood, which sin the Lord saith in Scripture he would not pardon (2 Kings, 24:4), that is, we suppose, in regard of this temporal judgements.

We do therefore hereby signify to all in general (and to the surviving sufferers in especial) our deep sense of and sorrow for our errors in acting on such evidence to the condemning of any person, and do hereby declare that we justly fear we were sadly deluded and mistaken, for which we are much disquieted and distressed in our minds, and do therefore humbly beg forgiveness, first of God for Christ's sake for this our error, and pray that God would not impute the guilt of it to ourselves not others. And we also pray that we may be considered candidly and aright by the living sufferers as being then under the power of a strong and general delusion, utterly unacquainted with and not experienced in matters of that nature.

We do heartily ask forgiveness of you all, whom we have justly offended, and do declare according to our present minds, we would none of us do such things again on such grounds for the whole world praying you to accept of this in way of satisfaction for our offence, and that you would bless the inheritance of the Lord that He may be entreated for the Land.

B O O K

— R E V I E W

VICTIMHOOD AND THE PSYCHOLOGY INDUSTRY: A SYMBIOTIC RELATIONSHIP

Reviewer: Allen Feld, LCSW

Review of: *Manufacturing Victims:**What the Psychology Industry is Doing to People*

Tana Dineen (328 pages. Robert Davies Publishing)

Tana Dineen's well-researched and extensively referenced book is a valuable addition to the expanding number of critiques that expose the dangers, mixed results and even the follies of interventions of the helping professions. *Manufacturing Victims* is unique in its approach; it combines historical and sociological perspectives to why contemporary American society is fertile ground for the geometric growth of a Psychology Industry. Dr. Dineen skillfully integrates her philosophical position with thoughtful analysis and commentary on salient research, several significant psychological constructs, contemporary literature and anecdotal accounts of former and current clients of the Psychology Industry.

Dineen uses the phrase *Psychology Industry* to include psychiatrists, psychologists, clinical social workers, psychoanalysts, psychotherapists, etc., thereby creating a significant pool of therapists who will likely criticize this book. Since the author has spent more than two decades as a clinical psychologist, she brings credibility to her position. She is unrelenting in her concern for "damaged people, divided families, distorted justice..." and the abandonment by the Industry of critical thinking in favor of power, profit and prestige. The use of the word "Industry" is well-suited to her theme. She describes how the Industry manufactures clients (victims), markets its services, advertises itself—both with paid ads and with free publicity from pro bono crisis work, and attempts to expand its sphere of influence.

Creating victims adds to the wealth of the psychology industry. Dineen suggests that three principles underlie the manufacturing process: *Psychologizing*—the use of psychological constructs to reduce real experience to psychological terms; *Pathologizing*—transforming ordinary people who undergo abnormal experiences into abnormal people; *Generalizing*—blurring the boundaries between the brutal or exceptional and the mundane or ordinary. Dramatic examples of the misuse of ideas from well-known authors such as Kubler-Ross (*Death and Dying*) and Weisel (on the Holocaust) define and dramatize these concepts.

The personal experiences of manufactured victims such as retractors help define three principles that differentiate actual victims from fabricated ones. *Synthetic* describes those fabricated victims who succumb to suggestion for reasons such as their present vulnerability or high degree of suggestibility. (A number of retractors have often expressed this.) *Contrived* victims refer to those who have a genuine medical condition, but a possible psychological cause is attributed to the condition. *Counterfeit* refers to those victims who seek a secondary gain. This last classification can refer to someone like Kenneth Bianchi (The Hillside Strangler), who feigned MPD to avoid responsibility for

multiple murders. Martin Orne, a member of the FMSF Scientific and Professional Advisory Board, was instrumental in unmasking that attempt to subvert justice. The production of victims, according to Dr. Dineen, leads to several outcomes: creating more clients, enhancing the power and prestige of members of the Industry (e.g. as expert witnesses, talk-show guests, television news commentaries, etc...) and generating more income and profits.

Dineen's material is current. She makes good use of the Washington State's Crime Victim Compensation Program Study that was mentioned in the *Newsletter* (May, 1996). Her comprehensive analysis of the 1995 *Consumer Reports* (CR) study on "The effectiveness of psychotherapy" supports markedly different conclusions from those suggested by the author. The same data, she argues, suggest that the sampling technique was unscientific and the percentage of questionnaires returned so poor that CR serves only the economic agenda of the Psychology Industry.

She believes the Industry ultimately cannot reform itself. However this book and its stinging criticism of the helping professions may be helpful in getting the Industry back on course.

L E G A L

C O R N E R

FMSF Staff

Arizona Court of Appeals Restricts Application of Discovery Rule in Repressed Memory Claims

Logerquist v. Danforth, 1996 Ariz.App. LEXIS 216, 1996 WL 56863 (Ariz.App.Div.2), dated October 3, 1996

An Arizona Court of Appeals recently held that "repressed memory" claims may invoke the Discovery Rule—assuming that "the trial court determines that evidence of the underlying claim of repressed memory is admissible." The appeals court noted that the trial court in this case did not address or rule on the issue of the admissibility of repressed memory under *Frye*. Since it did not and "since their resolution seemingly will require analysis and determination of facts and opinions," the appellate court remanded the matter for further proceedings consistent with its decision.

The court recognized that some courts have rejected the discovery rule in repressed memory cases because of the unique problems and concerns these cases pose. It declined, however, to grant summary judgment in a case involving a "classic factual dispute involving credibility and memory issues" and noted that many courts have concluded that application of the discovery rule and determination of the claim's accrual date involves a question of fact for jury resolution. Regardless, the court stated that the plaintiff retains the burden of establishing that discovery rule applies.

In this case, the plaintiff, age 30, alleged sexual abuse by her pediatrician during four office visits when she was between ages 8 and 10. She claimed she had no memory of the alleged events until sometime in September 1991 and

that until that time she "unconsciously blocked and/or repressed the memories of said assaults in order to survive emotionally." Plaintiff testified that although she was unsure what triggered the memories, that they occurred spontaneously.

The defendants have petitioned the Arizona Supreme Court to review this decision in order to clarify the statute of limitations principles governing allegations of repressed memory of sexual abuse.

First FMS Case in England Ends in Acquittal Press Association News, GB, 11/29/96, Lisa Salmon

In a landmark case, criminal charges were dismissed against a man accused of sexually abusing a woman years earlier. A 44-year-old defendant was formally acquitted on November 29 by a judge in Manchester Crown Court after the prosecution offered no evidence. The woman, 22, testified that memories of the abuse emerged after she began counseling. She told counselors the memories of the assaults were partly triggered by a sexual abuse storyline in a soap opera and a rape scene in a TV episode of *Cracker*.

Experts concluded she may be suffering from a condition known as False Memory Syndrome. Dr. Bryan Tully was one of the psychologists who examined the woman. He concluded, "There were features in her accounts which indicated that her story could not be said to be wholly from stable, authentic, long-term memory of events."

The defendant's barrister, Stephen Meadowcroft, said it was the first time the defense of False Memory Syndrome had ever been used in Britain. The man had been arrested and prevented from living with his wife and two children during the 14-months the case was investigated and brought to court.

Jury Verdict Favoring Plaintiff in Repressed Memory Case is Reversed by Utah Judge

Franklin v. Stevenson, Third Judicial Dist. Ct., Salt Lake Co., Utah, No. 94-0901779PI, signed Dec. 6, 1996.

On December 6, District Court Judge Kenneth Rigrup nullified a prior jury verdict favoring a plaintiff who had allegedly recovered memories of childhood sexual abuse some 25 to 30 years earlier. During an 11-day trial in September 1996, the woman, age 36, testified that she had no memories of horrific abuse by a cousin which included rape, death threats and mutilation of animals until after she began therapy for panic attacks. Expert testimony was presented at trial that the woman underwent therapy techniques that were hypnosis-like. In September 1996, a jury awarded the woman \$750,000 in compensatory damages and nothing in punitive damages.

However, in a rare JNOV (judgment notwithstanding the verdict)¹, Judge Rigrup found that the jury verdict was not supported by the evidence. The judge agreed with a defense post-trial motion which argued that the woman's

testimony should not have been allowed because her memory was enhanced by techniques similar to hypnosis and should, therefore, have been considered unreliable and inadmissible. Hypnotically enhanced testimony is not allowed in Utah.

Judge Rigrup wrote that after weighing all the evidence, the court could see no difference between hypnotic suggestion and the "inherently unreliable" techniques used to enhance Franklin's memory. The judge noted the abundant evidence that a variety of therapeutic techniques were utilized to retrieve what the Plaintiff came to view as "memories." These techniques included the use of guided imagery, writing with the non-dominant hand, trance-work, relaxation, communicating with metaphorical 'inner-children' named 'Cece' and 'Rocky,' connecting with the inner-child, and journal writing. Hypnotically refreshed memory is inherently unreliable and has, therefore, been excluded under Utah case law. Since the court found "no distinction" between hypnotic suggestion and the use of these techniques, it applied this policy to the memory enhancing techniques which were utilized in this case. As all of the Plaintiff's testimony was enhanced through these techniques and without the Plaintiff's testimony, there was no competent evidence to support a verdict in favor of the Plaintiff and because "...the Plaintiff failed to establish, as a matter of law, the inherent reliability of the methods used to recover a memory," the court concluded the defendant was entitled to a Judgment Notwithstanding the Verdict as a matter of law.

The defendant was represented by Walter F. Bugden, Jr. of Salt Lake City. The Order of the Court, signed 12/6/96 is listed in the FMSF Brief Bank as #102.

Family Awarded \$1 Million as Victim of False Allegations in Out-Of-Court Settlement² *The Kansas City Star*, Nov. 17, 1996, by Karen Testa

A Missouri family recently settled a lawsuit for malpractice, negligence and defamation against a counselor and church for \$1 million. Tom and Joyce Rutherford, their daughter Beth and two other children sued counselor Donna Strand for planting false memories of childhood sexual abuse in the mind of the oldest daughter, Beth. Under the counselor's guidance, they say, Beth, 23, developed images of how her minister father repeatedly raped her, got her pregnant, then performed a painful coat-hanger abortion. In truth, Beth was a virgin and her father had had a vasectomy many years before.

After three sessions with Strand, Beth mentioned that she was having dreams of being raped in the presence of her father. According to the lawsuit, Strand told her those dreams were an indication of early childhood sexual abuse. Without her parent's knowledge, Beth returned for at least 64 sessions during which Strand taught the young woman how to enter a trancelike state through self-hypnosis. With the counselor's encouragement, the Rutherfords say, Beth recalled a string of false memories of events between the ages of 7 and 14.

Two years later, when the Strands told the church body

1. A JNOV, as its name suggests, allows a judge to override a jury verdict. The judge is not "reexamining" the jury's behavior or usurping the jury's power, but is rendering a legal decision on an issue of law.

2. See FMSF newsletter, Sept. 1996; FMSF Brief Bank #109.

which employed Beth's father of the allegations, he was forced to resign. Then, at the insistence of the family's attorney, Beth underwent a gynecological examination. It showed she was still a virgin.

Beth, now a registered nurse, fully recanted her story. But she still feels terrible about her parents. "I love them with all my heart," she said. "It's sometimes hard to look at them because of what I accused them of. I struggle a lot with the guilt of it all. They always tell me, 'Beth, we knew that wasn't you.'" Months after she recanted, the church reinstated Tom Rutherford as a minister, and he said his family's torment should serve to alert others of the dangers of repressed memory counseling.

Donna Strand, the counselor at Park Crest Village Assembly of God Church, and her husband, Pastor Robert Strand, admitted no wrongdoing in their settlement.

Final Defendants Settle in Texas Malpractice Case

Schwiderski v. Peterson, et al., 129th Judicial District Court, Harris Co., Texas

A settlement has been reached between the final defendants in a malpractice suit brought by former patient Kathryn Schwiderski, her husband and children against the therapist and hospital which had treated her. The negligence suit was originally filed in May 1993 and sought \$35 million for damages to the family. During the seven years in therapy until Feb. 1992, Schwiderski says therapists misdiagnosed MPD and implanted false memories of sexual abuse and participation in a satanic cult in herself and her children through hypnosis and drugs. The family was destroyed. Mr. Schwiderski was investigated by a grand jury for allegedly abusing his son, although that case was not pursued for lack of evidence. The family health bills totaled \$2 million.

In an Answer to the original Complaint, defendants reportedly stated that they stood by their diagnosis that the Schwiderski family were members of a satanic cult and therefore their treatment was justified.

This case was reported by two Texas newspapers: Waterhouse, R., (Oct. 17, 1994), "There'll be the devil to pay; The future of America's 'recovered memory movement' is at stake in a \$35 m lawsuit," *The Independent*; and Gangelhoff, B., (July 6, 1995), "Devilish diagnosis: Hypnotized and bound by restraints, the patients of Judith Peterson say they came to believe they had multiple personalities or had belonged to satanic cults. So apparently did their therapist," *Houston Press*.

Malpractice Suit Settled Against Washington Therapist

A malpractice suit filed against a licensed Washington State psychologist Dr. Phillips, Psy.D., was settled out of court in October 1996. Peggy Tillman and her husband filed the suit in King Co. Superior Ct, Washington in 1995. The Tillmans alleged Dr. Phillips had negligently encouraged and led Peggy to believe she had been sexually abused as a child notwithstanding the fact that she had no memories of the incidents. The confidential settlement agreement was reached following non-binding mediation.

A third party claim brought by Tillman's parents against the psychologist is still pending. David Summers, of Edmonds, Washington represents both Mrs. Tillman and her parents.

Negligence Suit Against Therapist is Resolved

Late in October, 1996 a negligence suit brought by a former patient against her therapist was resolved in a confidential agreement and the suit was dismissed with prejudice. Nearly two years earlier, the former patient, a resident of Illinois, had filed a suit against her Arizona therapist claiming that under his supervision false memories of child sexual abuse and satanism were implanted. Also named as defendants in the lawsuit was an Arizona clinic operated by the therapist and two of its counselors. The Complaint alleged that improper, untested, unethical techniques, including "guided imagery," dream interpretation, relaxation therapy, played on the plaintiff's suggestibility and susceptibility to therapist influence.

According to the *Arizona Republic*, November 18, 1994, the therapist was under investigation by the Arizona Board of Behavioral Health Examiners over allegations of unconventional therapy. At that time he was found to have been negligent in the supervision of his counselors and possibly to have disclosed confidential information about his patients. Following the hearing, his license was revoked.

The former patient is represented by Zachary Bravos of Wheaton, Illinois.

Canadian Children's Aid Blasted as Father Wins

Toronto Star, Canada, July 13, 1996

In mid-July the Ontario Court of Appeal let stand a verdict and over \$110,000 award in favor of an Ontario father who had sued the Children's Aid Society for backing false accusations by his former wife that he had molested his daughters. (B., et. al., v. Children's Aid Society of Durham Region, et.al., 136 D.L.R. 4th 297, July 9, 1996). The court dismissed the agency's appeal, agreeing that the agency's investigation was tainted by "bias," "lack of good faith" and "a course of conduct akin to malicious prosecution." The decision was reported to be the first time a Canadian Children's Aid Society had been sued successfully for negligence.

The Appeals Court said evidence established that Children's Aid social worker Marion Van Den Boomen's conduct fell "well below the standard of care expected of a professional social worker" when he failed to: interview a doctor who found that the children had not been molested; conduct a detailed interview with the father early in the process; keep an open mind and to conduct a fair and balanced investigation.

Counselor Loses Libel Suit; Judge Rules Therapist Used Leading Questions to Gain Disclosures

The StarPhoenix, Saskatoon, Canada, by Leslie Perreux

Unregistered therapist Helene Christison and a client were ordered to pay \$43,000 for falsely accusing a couple

of sexually abusing their children. The children's mother had accused her former husband and his new wife of sexually and physically abusing their two pre-school-aged boys. The mother hired Christison to interview the boys. The allegations were reported to Social Services and police who decided they were unfounded. Christison and the mother then circulated reports of the alleged abuse to other people, including the children's teachers, principals and doctors.

In a 41-page decision, Judge Marian Wedge said that the couple's reputation was damaged after the mother sought Christison as a "hired gun" to gain sole custody of the children. "This strategy has been called the weapon of the times," the judge wrote. Christison used leading questions and unfounded assumptions to gain "painfully extracted disclosures, if that is what they were" from the children. Under Saskatchewan law, therapists are protected from lawsuits when disclosing abuse allegations. However, the judge pointed out in her decision that Christison lost her disclosure protection when the reports were given out after the police had found them groundless.

Bogus Abuse Reports Will Now be Felonies; Could Save Agencies from Needless Investigations

Record-Eagle, Michigan, Nov. 5, 1996, by Mike Norton

Effective January 1997, in Michigan it will be a felony to knowingly make a false accusation of child abuse or neglect. Currently, filing a false police report is a misdemeanor punishable by up to 90 days in jail.

The *Record-Eagle* reports that "False or groundless allegations of child abuse and neglect are a common feature of many divorce actions. Sometimes the charges are made in good faith—from a misreading of a child's behavior, for instance—but they can also be designed to hurt a former spouse or strengthen an otherwise weak legal case."

"It's really a hindrance for us," said Gary Achim, a caseworker with the Leelanau County Family Independence Agency. "We so often get pulled into these child custody disputes where there are all kinds of allegations of abuse being made, and there is absolutely nothing going on. We have to investigate them all, when we could be out pursuing cases that are legitimate."

Mistrial Declared; Man Free in Repressed Memory Rape Case

State of California v. Wendt, Stanislaus Co. Superior Ct., Calif.

Modesto Bee, Oct. 12, 1996, by Jeff Jardine

A California criminal case based on "recovered repressed memories" of a now 16-year-old girl ended in a mistrial in October 1996. The jurors were unable to reach a decision: nine jurors voted for the defendant's innocence; two thought he was guilty and one was uncertain. Deputy District Attorney Linda McFadden said she will not refile charges.

The girl said she was raped in her home 5 years ago by someone she knew as a friend from church. She said she could not remember his identity until 1995 when she was led through a series of mental exercises by Sandy Walter, a

hairdresser, who attended the same church. The defense contended throughout the trial that Walter planted the defendant's name in the girl's mind.

The bulk of the jury simply did not believe the girl's testimony. One juror said, "There wasn't enough evidence. All of the evidence kept changing throughout the trial with (the girl). It kept changing piece by piece. I do believe something happened. I don't believe (the defendant) did it."

Memory Case Heard in Ontario Canada

Regina v. Blom, Ontario Ct of Justice (Gen Div), St. Catharines, Ontario, Canada, No. 471/95, Nov. 21, 1996.

In Nov. 1996, a defendant was found not guilty of two criminal counts of sexual assault in an Ontario Canada Court. In one alleged incident, the complainant, age 44, said that she was assaulted 30 years earlier in the basement of a building the defendant was constructing. Documents showed that the building started in the fall of the year and well after the end of warm weather in Canada. The complainant had alleged that she was assaulted while dressed in summer clothing.

In the judgment issued Nov. 21, 1996, Madam Justice Wallace stated, it is "more clear to the court, and corroborated by her evidence, that her memory was flawed, it was faulty, there were significant gaps and they were gaps which she was unable to explain. In the light of these gaps, and in the light of the documentary evidence which confirms the position of the defendant, the court has no alternative, in my view, but to find that there is a reasonable doubt with respect to number one."

Ontario Canada Jury Acquits Man of Six Charges in Repressed Memory Case.

Regina v. Ross, et al., Ontario Ct. (General Division), Kitchener Ontario, Canada.

Early in Nov. 1996, the former psychologist at a reform school for girls was found not guilty of six counts of sexual assault between 1973 and 1976. The judge had dismissed two additional counts, ruling that there was not enough evidence to prosecute for rape based on a "body feeling." One woman testified that she could not "see" the abuse, but had a "body feeling" of hands around her throat, choking her. The judge also refused to allow repressed memory testimony. On the remaining 11 counts, the jury could not come to a verdict.

In 1973 some of the women had made allegations while they were in the school. Investigation at that time showed the claims to be unsubstantiated. Defense attorney Cindy Wasser argued in closing statements that the girls made up allegations of sexual abuse to win their freedom and strike a blow against authority. Drs. Harold Merskey and Campbell Perry testified for the defense.

On November 29, 1996 Crown prosecutors confirmed that they will seek to retry Dr. Ross on the remaining 11 charges. The earliest date available for trial may be November 1997.

MAKE

A

DIFFERENCE

*When bad men combine, the good must associate;
else they will fall one by one, an unpitied sacrifice in
a contemptible struggle.* **Edmund Burke**

Thoughts on the Cause of the Present Discontent Vol. I. p. 526.

This is a column that will let you know what people are doing to counteract the harm done by FMS. Remember that five years ago, FMSF didn't exist. A group of 50 or so people found each other and today more than 18,000 have reported similar experiences. Together we have made a difference. How did this happen?

Canada - In December, *Chatelaine*, a leading Canadian magazine for women, published advice to a recovering alcoholic to read *The Courage to Heal* and to join a survivors' group. Readers from across Canada sent their complaints about this dreadful "advice." The editor of *Chatelaine*, Ms. Maynard replied:

"...[W]e were unaware of the checkered history [of *The Courage to Heal*] until readers alerted us. Prompted by this incident, we are reviewing our policies on the recommendations of our columnists. Our goal remains a balanced article that will examine the debate over recovered memory from both sides..."

This again illustrates how important it is to write and call when the opportunity presents itself.

Texas - I have become acquainted with a professor of psychology at a local college. He invited me to address his graduate class concerning FMS. I have just returned from my maiden voyage into academia and feel that the evening event went very well.

This is really something that all accused parents who are not shy can and should do. Even parents who don't want to "go public" can talk to future psychology and mental health professionals in a classroom environment about their personal experiences without giving an identifying name. It not only puts a face on the accused person, but also lets the students hear how devastating this has been to someone who deals with the dilemma every day.

I am not shy with strangers so it was a natural for me. It was hard to know when to stop talking and let them ask another question. There are many professors who would welcome the opportunity to have FMS families talk to their classes.

Wisconsin - After calling, writing and finally walking a picket line to protest a one-sided presentation by Ellen Bass at a Medical Center and University in Milwaukee, we have something positive to report. We had a one-hour television, a one-hour radio program and a newspaper article about the problem of FMS. As a direct result of our efforts, Sinai Samaritan Medical Center invited Dr. D. Triffert to present Grand Rounds on FMS in January.

Send your ideas to Katie Spanuella c/o FMSF.

Progress of the Annual Fundraising Pledge Drive

We thank our members who have so generously responded to the Annual Pledge Drive. We are well on our way to meeting our target, and we should reach our goal when we hear from the rest of our members. The letters and notes that you send with the pledge cards are treasures, too. They also tell us that the Foundation is helping families.

Newsletter

"My newsletter arrived yesterday, and I realized that my hands were actually shaking as I broke the seal and began searching for new information that would help me have a better understanding of what is going on in our lives. Enclosed is a check as part of this year's pledge. If I were rich, it would be many times this amount, but I hope this helps for now."

A Mom

An Opportunity to Work

"This gift is in the names of my parents. Their tireless work is chipping away at the stone that will someday reveal the diamond that is the Foundation's ultimate reward. This gift comes from my pocket but originates in my parents' hearts. I admire their relentless pursuit of the truth as I admire yours. Thank you for helping so many devastated families like mine."

Brother of Accuser

Reconciliation

"My family and I have about 90% repaired our relationship with our daughter. Slow but sure...We do not discuss the past five years. It is a chapter that we choose not to read at this time. We look at it as another one of life's great learning experiences...The Foundation has contributed so much to solving this problem."

A Dad

The Wisconsin Association of Family and Children's Agencies (WAFCA) is sponsoring a seminar on False Memory Syndrome on April 29, 1997 in Waukesha. The program will have a retractor, a falsely accused family, a clinical psychologist, an attorney and a panel discussion. The organizers have worked with families in Wisconsin to prepare this program which is primarily for mental health providers who wish to learn about FMS and earn continuing education credit. Other interested people may attend but active participation will be limited to members of WAFCA. The cost is \$75 per person. To register call Erica at 608-257-5939 or write to her at 131 W. Wilson St., Suite 901, Madison, WI 53703.

FROM OUR

— READERS —

NOTHING HAS CHANGED

Nothing has changed with our accusing daughter, but we hear she is doing very well with her career, family, husband, etc. We are fortunate and grateful that the other three children are wonderful to us. We are especially thankful about the youngest one. She did not want to have much to do with us for the first two or three years; now she has been like her old self, just like the daughter she always was. So we feel very grateful - even though we still miss our other daughter. We feel that people do get used to things in time no matter how terrible it was for so long. I would never want to go through that again!

I sometimes wonder if maybe our accusing daughter now wonders if she made a mistake, but because things are going well for her now— she doesn't want to take a chance of upsetting anything. I wonder if any other parents feel this could be a factor. I still send birthday and Christmas gifts to her and our grandchildren. I also write notes once in a while, but I don't get anything back.

A Mom

GRATEFUL

Much goes unsaid between us, Dad, but I am grateful that you have been a part of my life. Even if my perceptions of the past have been erroneous and a fabrication of my own mental illness, I can remember many times that you were there for me.

A Daughter

TO THE MOTHER WHO RESPONDED TO MY LETTER,

I do understand your concern about my letter. It was not intended just to warm hearts; it was written to plead with families not to shut their doors eternally to their accusing children. Had that happened to me, I would never be where I am in recovery today.

I am sorry my letter was so useless to you. Hope has to come from within you. All I can do is tell you that time is a major factor in recovery from FMS. If it takes several years for your child to return, you may or may not be able to receive them. Retraction is terribly painful, fearful, and draining; most of us need to do it quickly. But those of us who do eventually retract, need to find that crack in the door. How else can we all start the healing process?

There is no magic formula on how to break loose. We all do it in our own individual ways. My story is no model to apply to others. I wish I could tell you how I broke loose, but right now I can't. I'm not over the hump yet, but I am better every month. I pray that your child will walk the retractor's road and that you will be there to receive them home.

A Retractor

CHANGE NEEDED EVEN IF FOR THE WORSE

It has been 8 years since I was falsely accused by my two daughters. In June, 1996 I impulsively called one

daughter, a California attorney, and the conversation was hopeful, although she said she wanted to talk to her husband and her therapist before making a commitment to resume a relationship. A few days later I received the following fax:

"Dad: As I told you over the phone, you probably will not like the following terms and conditions: (No conditions had been mentioned in the phone call -- only a statement that she could no longer be "manipulated," whatever that meant.)

1. I was not "misled" with regard to the sexual abuse.

2. The second major issue is your self-centered concentration on satisfying your own desires to the complete neglect of the emotional and physical needs of your children.

3. The only way I would consider resuming a relationship with you is if you unequivocally accept responsibility for the harm you caused me and my sisters. Anything less would be a betrayal of the person I have worked so hard to become.

If you are not willing to agree to these terms, please do not contact me again.

I responded as follows:

Of course I was disappointed at your reply to my recent overture, although I rather expected it when you said you would first have to consult your "therapist." The short conversation we had was you; the letter was your "therapist."

Eventually you will discover, as dozens of women have already, and more are discovering each day, that you have, indeed, been grossly misled. *Courage to Heal* and similar pop-psychology books, and the whole concept of "recovered memories" have now been pretty well discredited by the scientific community and the courts.

I cannot accept responsibility for what you and/or your sisters have done with your lives, any more that I would expect my mother to take responsibility for what I have done with mine. You have made your own choices -- some good and some bad, like most people, and to you alone belong the successes and the failures.

I believe it would be in your best interests to consult a therapist who does not subscribe to the pop concept of "recovered memories." You owe it to yourself and your extended family to get a second opinion. You are too intelligent and literate to ignore the other side of this controversial issue. Open your mind a little, dear. Take a tolerant look for a change. I am not the monster your "therapist" has created for you. For beginners, read the enclosed. It is a mild sampling of current developments in the field.

I will honor your demand that I not contact you again. When and if you ever want to face the fact that you have misjudged me, please have the courage to come and talk to me about it. Knowing you have been the victim of a psychological system that for a time has gone bonkers, I assure you I will not reject you as you have rejected me. Whatever happens, you will

always be my daughter and I will always love you.

Dad

Perhaps it was not wise of me to contact her at all, but after all this time I needed something to happen, even something negative. This intelligent, educated woman, with whom I for many years shared a mutually warm and trusting relationship, obviously is still totally dominated by her therapist—after 8 years.

A Grieving Father

I AM FOREVER HER MOTHER

It was my daughter who initiated talking about the accusations when first we spoke. She said, in essence, "Oh God Mother, I'm so very sorry for all I've done." However I did not just leave it at that and throughout the past nine months I have many times broached the subject when it seems appropriate. I feel I'll forever be her mother and thus it is still my job to do what little I can to help her be a better person.

Her 15-year-old has said awful things to her at times and she has shared with me the pain this causes her. I really do feel I'd be dishonest if at least once in a while I didn't point out that of course I understand and that she had caused me pain.

A Mom

REPORT ON PROGRESS WITH DAUGHTER

After receiving no word from her whatsoever, on Mother's Day I received a card and wonderful call on my birthday in July wherein she asked if we could be friends again and start all over. I would have loved for her to acknowledge that the accusation was false, but she didn't and I accepted her back gladly anyway.

I had prepared myself for such an event with mixed feelings..., some of the families you have quoted in the Newsletter said they couldn't play "Let's Pretend" (my feelings exactly) and some families said they welcomed their daughters back as is, with the hope that there would be a retraction later. Your front-page letter in the most recent Newsletter stated that some families had received apologies and retractions one to three years after they had resumed contact. So I was influenced by that and will hope Helen may come around later.

Her dad, the accused, has been chatting with her by phone for some time, but I was still mad, not only about the original accusation but by the fact that her psychiatrist had convinced her that my father abused me as a child.

A Mother

A RETRACTION

In March of this year, I retracted my sexual abuse allegations against my father after six years of pain. My sister, who accused Dad first, has not retracted and is very angry with me for not believing her abuse anymore. I am the retractor mentioned in your previous newsletter who saw the Paul Ingram movie and started having doubts. I went to the library and said a prayer that God would lead me to the books he wanted me to read. For some reason I felt very nervous as I checked out books on FMS. I cried late into many nights as I read them, gradually realizing what therapy had done to my sister and me and what we, in turn, had done to our parents.

I know that giving reading materials to accusers is often not advised because, in the short-term, it can cause more anger and pain; but I do think that if parents feel their children softening in any way, wanting to return to the family, they can at least ask the child if he or she is open to reading the materials. There was a point where I wanted so desperately for the estrangement to be over, I believe I would have been open to the material. Even if the answer is no, parents can let them know the information is there if they change their minds.

In July my husband, two children and I saw my parents and older brother for the first time since my retraction (we are in Michigan, and they live in Florida). It was a wonderful, healing visit. We all continue to pray for my sister.

I credit my retraction and family reconciliation to Jesus Christ. My parents and I kept praying through all the hell, and He led me to the answer. What has happened to me and my family is a miracle, and I feel like I have been given my parents back from the dead. My prayers are with all the false accusers and all the innocent parents; our faith will lead us all out of this nightmare.

Donna Anderson

ACCUSED PARENTS WHO ARE ALSO THERAPISTS

Do you want to connect with other accused parents who are in the mental health field? What might we contribute to professional practice because our situation is unique — we are both accused parents and work in the helping professions. Let's get together in Baltimore in March, 1997. I am "between a rock and a hard place" and willing to get it started. Call me

Ellen Starer, ACSW,BCD,LSW
215-247-4376 or contact
Allen Feld at the Foundation
800-568-8882.

MEETING OUR DAUGHTER'S THERAPIST

We wanted to let you know that after almost 7 long years of living in this "hell" that so many are going through, we decided to make an appointment with our daughter's counselor. Needless to say, we tried to see him immediately after the confrontation and he refused to see us UNLESS my husband confessed!! Last year we made an appointment with him, only to find out by accident that he was going to be in his office late that day because he was out of town performing a marriage ceremony—our daughters! We were advised by another counselor that it would be very bad timing, so we cancelled.

We attended an FMS meeting 3 days before our appointment and we were advised not go in mad or accusing him of planting false memories, but to ask

him for his help in restoring our family. He did not recognize our names (which REALLY ticked me off, but I did not show it) and when we told him we had lost our daughter and needed his help, he was very confused. Then when we told him who our daughter was, he was very upset. We did not ask him about her "therapy" but told him that from the very beginning our daughter had said that he suggested she had been sexually abused and that she did not believe it at first. He said he did not believe in suggestion and that a GOOD therapist would not suggest anything. I asked him what his belief was back in 1989. He didn't answer. We know that his title is Min.Div. and that he does not have a license but that he is the director of the center and in the state of Florida, he can "practice" under the supervision of a person with a Ph.D. and that is how he is able to charge \$75 an hour. He told us he would have refused to see us if he had known who we were, that he had dedicated his life to healing families and that he considered himself a healer. PLEASE!!! He told us that he believed that perpetrators repress what they have done. Neither of us had shown anger through out the time there but at that point I got up and we left. We were hoping to pay him so that maybe we would somehow prove to the insurance company what is taking place with the billing situation. But he refused to charge us. We are not surprised.

I am curious to know if the second paragraph of this statement is being used by other "therapists" now. In the past years throughout this nightmare, we have seen a psychologist and a psychiatrist and have never been asked to sign an agreement such as that. Could it be that they are getting scared? I hope so!

Thank you again for all you are doing to help other parents. It is our prayer that our children will return soon! Everyone's child who is caught up in this nightmare!

A Mother

Dear Family,

Thank you for having me to your meeting last month. I was touched by how open-hearted you all are. I truly felt welcomed when I was with you, and I hope we will be able to spend more time relating with each other in the future. I think it is wonderful how you all have each other as group-mates. It means you are not alone in this trial you are going through. Together you have strength.

When I was separated from my parents, remember how angry I used to feel whenever a family member showed any sense of self-pity. Self-pity meant to me that my parents were denying the pain I was going through, and focusing all the due attention on themselves. Self-pity also meant my parents were rejecting, me as their daughter who was in pain, and who needed them desperately.

I longed for my parents to be strong for me while I was weak. I wanted them to feel sorry for ME. Although my family had every right to feel wounded over my behavior, it felt unjust that I should feel sorry for them while I was down.

While cursing and judging my family, inwardly I longed to be nurtured and loved by them. Confusing? It

sure was. I hungered for love, but my therapist did all he could so that I would drive my parent's love away from me, and my love away from them. It was a "love me/I hate you!!!" kind of tug-o-war. While I was declaring my words of hate, I was REALLY crying, "I love you! Please love me! Take care of me! Please help me feel loved!"

October is the first month of an extremely difficult time of year for all of us on both sides of the line. Expect to hear those words of rejection. But remember, inside your adult child not only longs for holiday presents and cards, but for that special family love and attention he/she used to have before the separation. Any sign of your self-pity or rejection will be magnified ten-fold this time of year. And, the therapist is helping your child look for any clue of rejection and self-pity...

Don't let the therapist find it!!!!

He will certainly twist your downheartedness around and use it against you. Your child is not in the position to accept or understand the pain you are going through. Instead, offer the love you have inside. No one can replace the parental love you have to give. LOVE will ultimately win your child's heart. The therapist's goal is to prove your love is not healthy, it is not real, that you never loved your child, your love is denial, and is hate in disguise. Although you cannot prove the therapist wrong, you CAN prove your love is genuine, real and true.

This upcoming holiday season, I encourage all of you to brainstorm on how you can help your kids feel loved.

Your daughter

Videotapes of the Chicago Continuing Education Conference on October 4, 1996 cosponsored with Loyola University are now available.

Title: Clinical Issues in Dealing with False Memories.

There are three tapes approximately 120 minutes each and they can be purchased individually.

Tape 1 Introduction

Pamela Freyd, Ph.D.

Review of the Research on Memory

Terence Campbell, Ph.D.

Tape 2 Retractor Interview and Discussion

Sherry Hines, Jack Wall, D.S.W.,

Carolyn Saari, Ph.D.

Tape 3 Clinical Preventative Practices

Family Issues and Reconciliation

Carolyn Saari, Ph.D.

Family Interview and Discussion

Send a stamped self-addressed envelope to the FMSF Office for details.

HIGHLIGHTS OF FMS-RELATED EVENTS IN 1996

JANUARY 1996

- Minnesota jury awards Elizabeth Carlson \$2.5 million for injuries suffered as a result of negligent psychotherapy by Dr. Diane Humenansky. This is the second in an ongoing series of malpractice suits filed against Dr. Humenansky. Carlson v. Humenansky. (1/24/96)
- Supreme Court of Canada gives accused the right to demand private counseling records in certain circumstances. Regina v. Beharrell. 103 C.C.C. 3d 92 (12/14/95)
- North Carolina Superior Court Judge Ronald Bogle grants defense motion to exclude all evidence derived from alleged repressed memories as being unreliable. This decision is currently under appeal. Barrett v. Hyldburg, Superior Ct., Buncombe Co., North Carolina, No. 94-CVS-0793. (1/23/96)
- A California civil suit filed by an adult daughter claiming repressed memories of sexual and ritual abuse is voluntarily dropped during trial by the plaintiff. She settles out of court for childhood photographs after originally seeking \$4 million in damages. (1/20/96)
- A Portage Co., Ohio jury acquits a step-father and mother of criminal charges of sexual assault of their 18-year-old daughter who claimed she had "blocked" out memories of the assaults until therapy. The state brought criminal charges of sexual assault despite a gynecological examination that determined she was a virgin. (1/25/96)
- A repressed memory civil suit in Ohio is dropped by the plaintiff in mid-trial after she presents her case. She claims her father repeatedly beat and sexually abused her. Plaintiff's therapist, Gay Cable, testified that she had identified over 100 personalities in the Plaintiff. The defense was prepared to present expert testimony that plaintiff suffers from a delusional disorder. (1/17/96)
- The final defendants in a malpractice suit brought by former patient against her therapists is settled out of court on the day the case was scheduled to go to trial. Mark v. Zulli, Hypnosis Training Institute, et al. San Luis Obispo Co., Superior Ct., Calif. (12/5/96)
- Third-party suit is settled in Pennsylvania after insurance provider for defendant health care workers awarded a settlement to parents accused of sexually and satanic-ritually abusing their daughter from the time she was an infant until she was 19 years old. The daughter's allegations were based entirely on images recovered in therapy and had no corroboration. (Jan. '96).

FEBRUARY 1996

- Tennessee Court of Appeals declines, in a case of first impression, to apply discovery rule to toll the statute of limitations in repressed memory cases. The court notes that the "inherent lack of verifiable and objective evidence in these cases distinguishes them from cases in which Tennessee courts have applied the discovery rule" previously. "We find that there is simply too much indecision in the scientific community as to the credibility of repressed memory." This ruling is currently on appeal before the Tennessee Supreme Court. Hunter v. Brown, 1996 WL 57944 (Slip copy) (Tenn.App, Febr 13, '96).
- Superior Court of Pennsylvania concludes that the "discovery rule" does not toll the statute of limitations when plaintiff claims psychological repression of alleged sexual abuse. The court held that in applying the discovery rule, the objective standard of "reasonable diligence" is to apply. Decision on appeal before Pennsylvania Supreme Court. Dalrymple v. Brown, Superior Ct., Penn., 1628 Philadelphia 1995, JA52010. (2/21/96)
- Six people arrested and charged with child sex abuse in the Wenatchee, Washington area have filed suits against state and local agencies. The suits filed in U.S. District Court, ask for a total of \$80 million in damages for civil rights violations.
- State of Washington Department of Health Counselors files its second Statement of Charges that relate to recovered memory therapy against a certified marriage and family therapist.

MARCH 1996

- FMSF and Johns Hopkins cosponsor a continuing education program in San Diego titled "Basic Standards of Care in Diagnostic and Therapeutic Practices with Memory and the Process of Family Reconciliation."
- Texas Supreme Court holds that in order to apply the discovery rule to any set of facts, including repressed memory claims, the event and injury must be "objectively verifiable." Expert testimony or affidavit does not satisfy the objective corroboration requirement for application of the discovery rule. S.V. v. R.V. 39 Tex. Sup.J. 386 (Tex, 1996). (3/14/96)
- Third party suit is initiated against daughter's therapist after murder charges based on "repressed memories" are withdrawn by prosecution. Stegman v. Martinez, Smith, Sievek and Strivens, Circuit Ct., Massac Co., Ill., No. 95-L-67. First amended complaint filed 3/22/96. In May 1996, Circuit Judge James Williamson refuses to dismiss claims against therapists Smith and Martinez.
- Repressed memory civil suit is dropped voluntarily two days before trial and just prior to a decision on motions in limine to exclude repressed memory evidence under Frye/Daubert and to exclude post hypnosis testimony by the plaintiffs. GLF & KIF v. R & KE, Superior Ct., King Co., Washington, No. 94-2-08264-7.
- A malpractice suit by three former patients of Sacramento psychologist Richard J. Boylan settles out of court in a confidential agreement. Last year, in response to complaints, the California Board of Psychology revoked Boylan's license. The three former patients allege that Boylan used his belief in extraterrestrial life and UFOs to diagnose and treat their emotional problems.
- California psychotherapist Kathleen King Goodfriend surrenders her counseling license prior to a hearing of the California Board of Behavioral Science Examiners. The Board says that "pressure" by Goodfriend led an 8-year-old rape victim into falsely identifying her father as the attacker. The father, James Wade, settled a multimillion dollar civil suit filed against Goodfriend and others involved in the case about two years ago.
- A malpractice suit brought by a former patient against her treating therapists and hospital settles in a confidential agreement early in March 1996. Gornic v. Peterson, Seward, and Spring Shadows Glen Psychiatric Hospital.
- The Canadian Psychiatric Association issues a position statement on "Adult recovered memories of childhood sexual abuse," affirming the importance of external corroboration in knowing the truth of memory. In addition, it states: "Confrontation with alleged perpetrators solely for the supposed curative effect of expressing anger should not be encouraged. There is no reliable evidence that such actions are therapeutic." 3/25/96
- American Journal of Psychotherapy devotes Spring, 1996 issue to repressed memories and related concerns.

APRIL 1996

- The Supreme Judicial Court of Maine issues a unanimous opinion that "repressed memories" can not serve as the basis for the application of the doctrine of equitable estoppel to toll the statute of limitations. The court also holds that regardless of the cause of an alleged repressed memory, the claim accrues at the time of the alleged abuse or when the victim reaches the age of majority. Nuccio v. Nuccio, 673 A.2d 1331 (Me.) 4/8/96
- A California jury awards two plaintiffs \$1.1 million after a judge rejects motions to hold a pre-trial Kelly/Frye hearing. Two sisters claim to have recovered repressed memories of childhood sexual abuse by their father. An appeal may be filed. Wilson v. Phillips, Superior Ct., Orange Co., Cal., No. 636967. (4/11/96).
- Therapist Alfred Ells, director of the House of Hope in Scottsdale, AZ, has his certificate to practice revoked by the Arizona Board of Behavioral Health Examiners. The action is related to his advising a patient that he was possessed by demons and sexually abused as a child. Two malpractice suits are pending against Ells and complaints by relatives of five of Ells patients have been filed.
- A motion to dismiss third party claims for negligence and intentional

infliction of emotional distress is denied by an Oregon Court. A former patient, her husband and her parents sued two psychologists, alleging the therapists misdiagnosed her problem and planted a belief that she and her children had been ritually abused by a satanic cult. Dr. Chyrl Walker settled out of court for \$1.15 million in Aug. 1996. Dr. Sophia Carr settled out of court for an undisclosed amount just prior to trial.

- U.S. District Court, Pennsylvania does not dismiss third-party negligence claims against Genesis Associates, social worker Patricia A. Neuhausel, and psychologist Patricia A. Mansmann. Judge Padova ruled that a therapist may owe a duty of reasonable care to a patient's parents under certain circumstances. Settlement negotiations opened following his ruling. Tuman v. Genesis Associates, et al., 1996 U.S. Dist. LEXIS 5406, Memorandum and Order. (4/25/96)

- A St. Louis Co. Grand Jury indicts two therapists for insurance fraud, concealing the type of therapy provided, and "deliberately interfering with the familial relationship between [their client and their client's parents] by fraudulently inducing [their client] to believe her parents had satanically and sexually abused her." Each of the charges against therapists Geraldine Lamb and Thomas Lipsitz is a class D felony and each is punishable by up to five years in prison.

- The Final Report of the APA Working Group on the Investigation of Memories of Childhood Abuse is now available through the American Psychological Association. The report opens with the final conclusions of the Working Group: 1. Controversies regarding adult recollections should not be allowed to obscure the fact that child sexual abuse is a complex and pervasive problem in America that has historically gone unacknowledged. 2. Most people who were sexually abused as children remember all or part of what happened to them. 3. It is possible for memories of abuse that have been forgotten for a long time to be remembered. 4. It is also possible to construct convincing pseudomemories for events that never occurred. 5. There are gaps in our knowledge about the processes that lead to accurate and inaccurate recollections of childhood abuse.

MAY 1996

- Data from the Washington State Crime Victims Compensation Program presented at the Southwestern Psychological Association meeting in Houston on April 5, 1996 indicated that some patients got worse with therapy by a number of measures.

- FMSF sponsored continuing education program in Philadelphia titled "Appropriate Standards of Care in Working with Client Memory."

- Arizona Supreme Court rules that PTSD is insufficient to extend the statute of limitations under the disability exception. The court further held that expert affidavits that offer conclusions without setting out "relevant foundation" do not support a legal finding of "unsound mind." Florez v. Sargent, 185 Ariz. 521, 917 P.2d 250 (Ariz.) (5/16/96)

- Pennsylvania Court rules therapist Judith A. Cohen did owe duty to third party parents and upheld a Dec. 1994 jury award to Nicole Althaus and her parents. Judge McLean's Order following Post-Trial Motions stated, "under the bizarre and troubling facts of this case, Pennsylvania law does point to the existence of such a duty...Expert testimony demonstrates overwhelmingly that Cohen deviated from that standard." Althaus v. Cohen, et al. Ct of Common Pleas, Allegheny Co., Penn., No. GD 92-20893. (5/28/96)

- U.S. District Court judge found that the reliability of repressed memory phenomena is established scientific fact. The judge's ruling limited the relevant scientific community qualified to judge whether the theory is generally accepted to "clinical psychiatrists" and apparently further restricted the group to professionals who "treat traumatized patients." Shahzade v. Gregory, U.S. dist. Ct., Mass, No. 92-12139-EFH. (5/8/96)

- Ontario Canada Justice J. Langdon finds expert testimony on syndrome evidence inadmissible. Such testimony, in order to be of assistance to the jury, must also include what behaviors are consistent with not having been abused

or with a person who was not sexually abused but who falsely claims he was. Regina v. Wakabayashi, Ontario Court (General Div.), No. CRIM(J)4055/93. (5/1/96)

- The insurance company of Washington state hypnotherapist Gina Gamage agreed to pay a former patient \$700,000 (\$425,000 and \$1570/mo. for the rest of her life) following mediation. The patient, Patricia Rice, claimed that due to Gamage's negligent therapy she became convinced that members of a satanic cult were pursuing her. During her flight Rice caused a fatal car accident.

JUNE 1996

- Special issue of Psychoanalytic Dialogues, 6(2), 1996 is devoted to "False Memory" controversy.

- FMSF files amicus curiae brief before the U.S. District Ct., Fifth Circuit in Knox v. Hartman, No 94-11120.

- U.S. Supreme Court upholds the privilege of psychotherapists to refuse to disclose patient communications in federal court. The majority notes, however, that "there are situations in which the privilege must give way, for example, if a serious threat of harm to the patient or to others can be averted only by means of disclosure by the therapist." Jaffee v. Redmond, et al., 1996 U.S. LEXIS 3879 (6/13/96)

- The Washington State Pardons Board which advises the state governor, held a hearing on whether to grant Paul Ingram a pardon. (Dec. pardon not recommended)

- Dr. Diane Humenansky's insurance company reportedly agrees to out-of-court settlements with four former patients who accused her of planting memories of abuse. Four more lawsuits against the Minnesota psychiatrist by former patients are still pending.

JULY 1996

- Maryland Court of Appeal rules that repressed memory claims are insufficient to extend the statute of limitations: "We are unconvinced that repression exists as a phenomenon separate and apart from the normal process of forgetting. Because we find these two processes to be indistinguishable scientifically, it follows that they should be treated the same legally." Doe v. Maskell, 342 Md. 684, 679 A.2d 1087. (7/29/96)

- Rhode Island Supreme Court instructs trial courts to hold evidentiary hearings in repressed memory cases. A trial court must first determine whether the theory of repressed recollection constitutes a "scientifically accepted and valid theory" before it can determine whether the specific "repressed recollection" can extend the statute of limitations. Kelly v. Marcantonio, 678 A.2d 873(R.I.) (7/1/95)

- Rhode Island Supreme Court overturns a conviction and orders a retrial in a recovered memory case. The majority instructed trial justices to "exercise a gatekeeping function and hold a preliminary evidentiary hearing" to determine the reliability and admissibility of repressed memory testimony. Failure to hold such a hearing constitutes error. State of Rhode Island v. Quattrocchi, 1996 WL 427875. (7/31/96)

- Pennsylvania Superior Court reverses a murder conviction and orders a new trial in case supported only by the 20-year-old repressed memory claim of a witness who was 17 at the time of the death. The court holds that it was error to exclude testimony of a defense witness about the reliability of the witness. Commonwealth of Pennsylvania v. Crawford, 682 A.2d 323 (Pa Super.). (7/30/96)

- Alabama Supreme Court rules that alleged repressed memory claims do not qualify as a disability to extend the statute of limitations. The court concludes, "there is no consensus of scientific thought in support of the repressed memory theory." Travis v. Ziter, 1996 WL 390629. (7/12/96)

- A malpractice suit filed against MFCC Reatha DeGroot settles out of court for a reported \$90,000. The suit, filed in 1995, alleged that DeGroot had led Rosemary Heusted to falsely believe she had been molested as a child. The Santa Barbara Dept. of Mental Health Services, where DeGroot practiced, no

longer provides recovered memory therapy. Heusted v. DeGroot, et al., Superior Ct., Santa Barbara Co., Cal., No. 204645.

- The final defendants in a malpractice suit filed against psychologist Judith Peterson, Spring Shadows Glen Hospital and at least 23 other mental health practitioners and businesses settle out of court in a confidential agreement. The suit was filed by Lynn Carl, for misdiagnosis of MPD and SRA and instructing Carl to report herself to the police as a child abuser- even though she had no memory of ever abusing her own children. Carl v. Peterson, et al., U.S. Dist. Ct., Southern Dist. of Tex. (7/1/96) At least eight former patients of Peterson have sued for malpractice.

- San Mateo Co. prosecutors decide not to retry George Franklin, Sr. for murder. The decision follows a disclosure that Franklin's daughter, Eileen, had been hypnotized before she testified regarding her sudden memories of the alleged murder decades afterward. (7/3/96)

AUGUST 1996

- Illinois Appellate Court refuses to apply discovery rule to repressed memory cases. The court reasons that, by definition, an individual claiming "repressed" memories must know of the alleged event at the time it occurred. M.E.H. v. J.H., 1996 492172 (Ill. App. 2nd Dist.) (8/2/96)

- A federal judge in Missouri dismisses a repressed memory suit against a grandmother and grandfather, saying the Plaintiff had offered no evidence to support her claim. Judge Dean Whipple ruled that therapeutically-enhanced memories are unreliable in the absence of procedural safeguards, none of which were employed by the plaintiff's therapist, Gloria Spratt. The jury then considered the grandparents' counter-claims of intentional infliction of emotional distress and awarded the defendants \$125,000. Defense attorneys were able to show that most of Plaintiff's factual claims were impossible. Plaintiff's attorney had been sanctioned by the court when the plaintiff refused to appear for a court-ordered psychological examination. Stocker v. Stracke, Federal Court, Missouri.

- Four new lawsuits are filed against Genesis Associates, Pennsylvania and two of its therapists. During the same month, Genesis and the two therapists sue a group of critics they say have defamed them and plotted to drive them out of business. All suits are assigned to U.S. District Judge John R. Padova.

- Two Kern County couples, Scott and Brenda Kniffen and Alvin and Deborah McCuan, are freed from prison following dismissal of their convictions of child molestation. They will not be retried. Judge Jon Stuebbe wrote, "It is apparent to this court that the result of the interviewing techniques used in this case was to render fundamentally unreliable the children's testimony at trial." This included "telling the child reports of abuse would help their parents and they could all go home and live together again." (8/14/96)

SEPTEMBER 1996

- U.S. District Court of Appeals dismisses repressed memory suit as barred by Texas' two-year statute of limitations. The court concludes that the "recovered memories" of abuse by a sister did not meet the objective verification requirement as given by the Texas Supreme Court in S.V. v. R.V., Knode v. Hartman, U.S. Court of Appeals, Fifth Circuit, No 94-11120, unreported. (9/9/96)

- Eight former clients from three families sue their counselor, Joseph Gardner, alleging that he brainwashed them into making false claims of sexual assault by their families. The suit is filed in 48th Circuit Court and seeks more than \$100 million in damages.

- Idaho Board of Psychologist Examiners revokes the license of Dr. Mark D. Stephenson following investigation of claims made by three former patients. Complaints allege that Dr. Stephenson used memory retrieval techniques to retrieve previously unremembered recollections of satanic and sexual abuse.

OCTOBER 1996

- FMSF sponsors continuing education program in Chicago titled "Clinical Issues in Dealing with False Memories: Prevention and Family Reconciliation."

- Negligence suit brought by former patient against Arizona therapist settles. Complaint states that false memories of child sexual abuse and satanism were implanted and that improper, unethical techniques including "guided imagery," dream interpretation, and relaxation therapy were used. The Arizona Board of Behavioral Health Examiners had revoked the therapist's license late in 1994.

- Malpractice suit filed by former patient Peggy Tillman and her husband against Washington psychologist Dr. Phillips, Psy.D., settles out of court. The Tillmans allege that Dr. Phillips had negligently encouraged and led Peggy to believe she had been sexually abused as a child. A third party claim brought by Tillman's parents against the psychologist is still pending. Tillman v. Phillips, King Co., Superior Ct., Washington.

- An Arizona Appeals Court held that "repressed memory claims may invoke the discovery rule - assuming that 'the trial court determines that evidence of the underlying claim of repressed memory is admissible.'" Defendants have petitioned the Arizona Supreme Court to review this decision and to clarify the statute of limitations governing allegations of repressed memory of sexual abuse. Logerquist v. Danforth, 1996 WL 56863 (Ariz. App. Div.2). (10/3/96).

- California criminal case based on "recovered repressed memories" ends in a hung jury as voters are unable to agree on decision. Defense argued that the defendant's name was planted in the girl's suddenly recovered memories. State of California v. Wendt, Stanislaus Co., Superior Ct., Calif. (10/1/96)

- A settlement was reached between the final defendants in a malpractice suit brought by former patient Kathryn Schwiderski, her husband and children against the therapist and hospital which had treated the family. During the 7 years in therapy, Schwiderski says therapists implanted false memories of sexual abuse and participation in a satanic cult and thereby destroyed the family. Schwiderski v. Peterson, 129th Judicial Dist. Ct., Harris Co., Texas.

NOVEMBER 1996

- The Washington State Department of Labor and Industries holds a public hearing to consider administrative rule changes that will mainly affect mental health therapy for crime victims.

- FMSF files amicus curiae brief before the Pennsylvania Supreme Court in Dalrymple v. Brown, 055 E.D. Appeal Dkt. 1996.

- Rutherford family is awarded \$1 million in out of court settlement with Missouri counselors. Donna and Robert Strand who, the family says led their 22-year-old daughter to believe that her father had repeatedly raped her, and performed a painful coat-hanger abortion. Medical records showed the daughter to be a virgin at age 22 and that her father had undergone a vasectomy many years before. (11/14/96)

- First criminal case in England involving an FMS defense ends in acquittal. Judge in Manchester Crown Court formally acquitted defendant after ruling the prosecution had offered no evidence. Names of parties not released to press. (11/29/96)

- Ontario judge finds defendant not guilty of two criminal counts of sexual abuse of a woman 30 years earlier in repressed memory case. Madam Justice Wallace concluded, "it is not clear to the court and corroborated by her evidence, that her memory was flawed..." Regina v. Blom, Ontario Ct. of Justice (Gen Div), St. Catharines, ON Canada, No 471/95. (11/21/96).

DECEMBER 1996

- A jury verdict favoring the plaintiff in a repressed memory case is reversed by a District Court judge in Utah as not supported by the evidence. Judge Kenneth Rignup agreed with defense post-trial motions that the plaintiff's testimony should have been inadmissible because her memory was enhanced by techniques (guided imagery, writing with the non-dominant hand, trance-work, communicating with "inner-children," etc.) which were similar to hypnosis and therefore should have been considered unreliable and inadmissible. Franklin v. Stevenson, Third Judicial Dist. Ct., Salt Lake Co., Utah, No. 94-0901779PL. (12/6/96)

KEY: (MO) - Monthly; (bi-MO) - bi-monthly
(*) - see the State Meetings List

UNITED STATES**ALASKA**

Bob (907) 586-2469

ARIZONA

(bi-MO) Barbara (602) 924-0975; 854-0404(fax)

ARKANSAS**Little Rock**

Al & Lela (501) 363-4368

CALIFORNIA**Sacramento - (quarterly)**

Joanne & Gerald (916) 933-3655

Rudy (916) 443-4041

San Francisco & North Bay - (bi-MO)

Gideon (415) 389-0254 or

Charles 984-6626(am); 435-9618(pm)

East Bay Area - (bi-MO)

Judy (510) 254-2605

South Bay Area - Last Sat. (bi-MO)

Jack & Pat (408) 425-1430

Central Coast

Carole (805) 967-8058

Central Orange County - 1st Fri. (MO) @ 7pm

Chris & Alan (714) 733-2925

Orange County - 3rd Sun. (MO) @ 6pm

Jerry & Eileen (714) 494-9704

Covina Area - 1st Mon. (MO) @ 7:30pm

Floyd & Libby (818) 330-2321

South Bay Area - 3rd Sat. (bi-MO) @ 10am

Cecilia (310) 545-6064

COLORADO**Denver - 4th Sat. (MO) @ 1pm**

Art (303) 572-0407

CONNECTICUT**S. New England - (bi-MO) Sept-May**

Earl (203) 329-8365 or

Paul (203) 458-9173

FLORIDA**Dade/Broward**

Madeline (305) 966-4FMS

Boca/Delray - 2nd & 4th Thurs (MO) @ 1pm

Helen (407) 498-8684

Central Florida - 4th Sun. (MO) @ 2:30 pm

John & Nancy (352) 750-5446

Tampa Bay Area

Bob & Janet (813) 856-7091

ILLINOIS**Chicago & Suburbs - 3rd Sun. (MO)**

Eileen (847) 985-7693

Joliet

Bill & Gayle (815) 467-6041

Rest of Illinois

Bryant & Lynn (309) 674-2767

INDIANA**Indiana Friends of FMS**

Nickle (317) 471-0922; (317) 334-9839 (fax)

Pat (219) 482-2847

IOWA**Des Moines - 2nd Sat. (MO) @ 11:30 am Lunch**

Betty & Gayle (515) 270-6976

KANSAS**Kansas City**

Leslie (913) 235-0602 or

Pat (913) 738-4840

Jan (816) 931-1340

KENTUCKY**Covington**

Dixie (606) 356-9309

Louisville - Last Sun. (MO) @ 2pm

Bob (502) 957-2378

LOUISIANA

Francine (318) 457-2022

MAINE**Bangor**

Irvine & Arlene (207) 942-8473

Freeport - 4th Sun. (MO)

Carolyn (207) 364-8891

MARYLAND**Ellicott City Area**

Margie (410) 750-8694

MASSACHUSETTS/NEW ENGLAND**Chelmsford**

Ron (508) 250-9756

MICHIGAN**Grand Rapids Area-Jenison - 1st Mon. (MO)**

Bill & Marge (616) 383-0382

Greater Detroit Area - 3rd Sun. (MO)

Nancy (810) 642-8077

MINNESOTA

Terry & Collette (507) 642-3630

Dan & Joan (612) 631-2247

MISSOURI**Kansas City - 2nd Sun. (MO)**

Leslie (913) 235-0602 or Pat 738-4840

Jan (816) 931-1340

St. Louis Area - 3rd Sun. (MO)

Karen (314) 432-8789

Mae (314) 837-1976

Refractors group also forming**Springfield - 4th Sat. (MO) @ 12:30pm**

Dorothy & Pete (417) 882-1821

Howard (417) 865-6097

MONATNA

Lee & Avone (406) 443-3189

NEW JERSEY (So.)**See Wayne, PA****NEW MEXICO****Albuquerque - 1st Sat. (MO) @ 1pm****Southwest Room - Presbyterian Hospital**

Maggie (505) 662-7521(after 6:30 pm)

or Martha 624-0225

NEW YORK**Westchester, Rockland, etc. - (bi-MO)**

Barbara (914) 761-3627

Upstate/Albany Area - (bi-MO)

Elaine (518) 399-5749

Western/Rochester Area - (bi-MO)

George & Eileen (716) 586-7942

OKLAHOMA**Oklahoma City**

Len (405) 364-4063

Dee (405) 942-0531

HJ (405) 755-3816

Rosemary (405) 439-2459

PENNSYLVANIA**Harrisburg**

Paul & Betty (717) 691-7660

Pittsburgh

Rick & Renee (412) 563-5616

Montrose

John (717) 278-2040

Wayne (includes S. NJ) - 2nd Sat. @ 1pm

Jim & Jo (610) 783-0396

TENNESSEE**Wed. (MO) @ 1pm**

Kate (615) 665-1160

TEXAS**Central Texas**

Nancy & Jim (512) 478-8395

Houston

Jo or Beverly (713) 464-8970

UTAH

Keith (801) 467-0669

VERMONT**(bi-MO)**

Judith (802) 229-5154

VIRGINIA

Sue (703) 273-2343

WEST VIRGINIA

Pat (304) 291-6448

WISCONSIN (*)

Katie & Leo (414) 476-0285

Susanne & John (608) 427-3686

INTERNATIONAL**BRITISH COLUMBIA, CANADA****Vancouver & Mainland - Last Sat. (MO) @ 1-****4pm**

Ruth (604) 925-1539

Victoria & Vancouver Island - 3rd Tues.**(MO) @ 7:30pm**

John (604) 721-3219

MANITOBA, CANADA**Winnipeg**

Joan (204) 284-0118

ONTARIO, CANADA (*)**London - 2nd Sun (bi-MO)**

Adrian (519) 471-6338

Ottawa

Eileen (613) 836-3294

Toronto /N. York

Pat (416) 444-9078

Warkworth

Ethel (705) 924-2546

Burlington

Ken & Marina (905) 637-6030

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Paula (705) 692-0600

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UNITED KINGDOM**The British False Memory Society**

Roger Scofield (44) 1225 868-682

STATE MEETINGS**WISCONSIN**

Friday, January 24 @ 12 noon

contact Susanne and John

(608)-427-3686

ONTARIO

Saturday, May 10 @ 1:30 pm

Speaker: Pamela Freyd, Ph.D.

contact Pat (416)-445-1995

February '97 Issue Deadline: January 15.

Meeting notices MUST be in writing

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Pamela Freyd, Ph.D., Executive Director

FMSF Scientific and Professional Advisory Board

January 1, 1997

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MEMORY AND REALITY: NEXT STEPS

In the five short years that the False Memory Syndrome Foundation has been in existence a deeper understanding of the personal, theoretical and scientific issues involved in false memory syndrome has been achieved by all: the general public, our legal institutions and most importantly, the professional community. In this the third national conference sponsored by the Foundation, emphasis will be on the future challenges that face everyone involved. Presentations combine therapeutic, scientific, legal, philosophical and family perspectives to suggest the next steps for the Foundation and individuals who are concerned with the problems of false memories. Formal sessions led by eminent professionals from various fields will be augmented with informal Roundtables.

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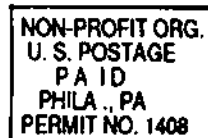
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